

### REMARKS

The Office Action dated 6 May 2005 has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 8, 9 and 13 have been cancelled without prejudice or disclaimer, claims 1, 7, 10-12 and 14 have been amended, and claims 2-6 remain as originally filed. Thus, claims 1-7, 10-12 and 14 are respectfully submitted for consideration by the Examiner.

Claims 8 and 12 were objected to for the informalities noted in section one of the Office Action. It is respectfully submitted that the cancellation of claim 8 has rendered moot the objection to claim 8. Claim 12 has been amended in accordance with the Examiner's helpful suggestion, and it is therefore respectfully submitted that the objection to claim 12 should be withdrawn.

Claims 1-7 and 11-14 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,204,566 to Kirrish et al. ("KIRRISH"). And claims 8-10 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kirrish. These rejections are respectfully traversed in view of the above amendments and the following comments.

Independent claim 1 recites a retaining system including, *inter alia*, a band including a first lateral surface, a second lateral surface, a first sloping surface and a second sloping surface wherein "the second lateral surface being substantially parallel to the first lateral surface, and the first and second lateral surfaces being substantially orthogonal to the longitudinal axis," the "first sloping surface extending between and coupling the crest and the first lateral surface," the "second sloping surface extending between and coupling the crest and the second lateral surface," and "the first and second sloping surfaces together define a semi-circle when viewed in a cross-section including the longitudinal axis, and the crest defines an apex of the semi-circle when viewed in the cross-section." Similarly, independent claim 7 recites a retainer including, *inter alia*, "a first lateral surface generally confronting the head," "a second lateral surface generally facing the threaded section, the second lateral surface being substantially parallel to the first lateral surface, and the first and second lateral surfaces being substantially orthogonal to the longitudinal axis," "a first sloping surface extending between and coupling the crest and the first lateral surface," "a second sloping surface extending between and coupling the crest and the second lateral surface," and "the first and second sloping surfaces together define a semi-circle

when viewed in a cross-section including the longitudinal axis, and the crest defines an apex of the semi-circle when viewed in the cross-section." Support for these combinations of features may be found in Applicant's specification as originally filed at, for example, paragraph 0017.

In contrast, Kirrish's Figure 3 shows a screw member 12 including an annular flange 28 that "includes a leading surface 30 which is sloped radially outwardly of the threaded shank portion 20" and "the opposite side of the annular flange 28 defines a rather abrupt wall 31 which comprises a radially outwardly extending surface with respect to the unthreaded shank portion 18" (column 2, lines 45-51). According to Kirrish, "the leading end portion 34 [of the spring 14] engages the slope or leading edge portion 30 of the protrusion 28, it will resiliently expand somewhat to pass thereover," but then end portion 34 will "thus be held rotatably in captive relation between the wall 31 of the protrusion 28 and bearing surface 22 of the driver head 16" (See column 3, lines 8-16).

Thus, Kirrish fails to teach or suggest a second sloping surface extending between and coupling the crest and the second lateral surface, or first and second sloping surfaces together define a semi-circle when viewed in a cross-section including the longitudinal axis, each of which are features recited in Applicants' independent claims 1 and 7.

For at least the above reasons, it is respectfully submitted that independent claims 1 and 7 are not taught by Kirrish, and that the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Claims 2-6 and 10 depend from allowable claims 1 and 7, respectively, and therefore are also allowable for at least the same reasons as claims 1 and 7, as well as for the additionally recited features that further distinguish over Kirrish.

As to the assertion in the Office Action that Kirrish teaches that alternative forms of the retainer may be used, Kirrish does not teach or suggest the releasability of the Applicants' helical compression spring 200 with respect to the threaded fastener 100. See, for example, Applicant's specification as originally filed at paragraphs 0024 and 0025. It is respectfully submitted that the second sloping surface, and the semi-circle cross-section, facilitate the use of alternative ones of Applicants' compression spring 200 with the threaded fastener 100.

For at least the above reasons, it is respectfully submitted that Kirrish also fails to suggested Applicants' invention, and that the rejection under 35 U.S.C. § 103(a) should also be withdrawn.

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Applicants independent claim 11 recites a method of releasably retaining a helical compression spring with respect to a threaded fastener, the method including, *inter alia*, "snapping the first end over the crest in a first longitudinal direction" and "snapping the first end over the crest in a second longitudinal direction opposite to the first longitudinal direction." Support for this combination of features may be found, as discussed above, in Applicant's specification as originally filed at paragraphs 0024 and 0025. And for at least the reasons discussed above, it is respectfully submitted that independent claim 11 is neither taught nor suggested by Kirrish, and that the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Claims 12 and 14 depend from allowable claim 11, and therefore are also allowable for at least the same reasons as claim 11, as well as for the additionally recited features that further distinguish over Kirrish.

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### CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this Application and the prompt allowance of claims 1-7, 10-12 and 14.

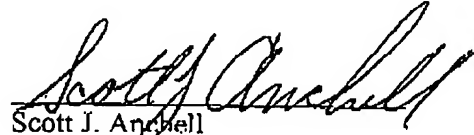
Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. **This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Date: 7 November 2005

Heller Ehrman LLP  
1717 Rhode Island Avenue N.W.  
Washington, D.C. 20036  
Telephone: (202) 912-2000  
Facsimile: (202) 912-2020

  
Scott J. Ansell  
Agent for Applicant  
Registration No. 35,035

Customer No. 26633